

INFORMATION SHEET  
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS  
 RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY  
 V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Philadelphia

FILE NUMBER: CENAP-OP-R-200301512-23

REGULATORY PROJECT MANAGER: John G. Brundage Date: September 15, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office N (Y/N) Date:   
 At the project site Y (Y/N) Date: February 25, 2004

PROJECT LOCATION INFORMATION:

State: Delaware

County: Sussex

Center coordinates of site by latitude & longitudinal coordinates: 38-42-43 and 75-13-6

Approximate size of site/property (including uplands & in acres): 211.8

Name of waterway or watershed: Bundicks Branch

SITE CONDITIONS:

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands					X				
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary \_\_\_\_\_ Or Approved X .

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

## INFORMATION SHEET – CONTINUED

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RESULTING FROM THE U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK  
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1. The site is 211.8 acres in size, primarily agricultural lands with forest lands near the north and south boundaries.
2. The isolated, non-jurisdictional wetlands (12.8 acres) are non-navigable, intrastate, isolated wetlands.
3. The isolated, non-jurisdictional wetlands are forested, relatively small, closed in nature, and have insufficient hydrology to support navigation. There is no evidence that the isolated wetlands are or could be used for interstate or foreign commercial purposes. The isolated wetlands are located approximately 1000 linear feet from the nearest tributary (i.e., Bundicks Branch)
4. The federally regulated (forested) wetlands (7.20 acres) on the site are contiguous with Bundicks Branch, a tributary to Goslee Mill Pond, an impoundment of Love Creek, a tidal, navigable waterway, a tributary to Rehoboth Bay.